

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, April 22, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; no quorum present.

Absent—Senators Broughton, Douglass, Fountain, Hall, Mills, Parsons, Pridgen, Saylor.

Absent—excused—Senators Baker, Bowers, Cole and Flanagan.

On motion of Senator Ruby, the Sergeant-at-Arms was dispatched for the absentees.

Senator Gaines moved that the Senate adjourn to 10 o'clock A. M., Monday.

Yeas and nays called for, and motion lost, by the following vote:

Yeas—Mr. President, Broughton, Evans, Gaines, Latimer, Pickett, Tendick—7.

Nays—Bell, Dohoney, Ford, Hertzberg, Hillebrand, Pettit, Pyle, Rawson, Ruby, Shannon—10.

Senators Broughton, Fountain, Hall, Pridgen and Saylor appeared and answered to their names. Quorum present.

Prayer by the Chaplain.

On motion of Senator Gaines the reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Printing:

COMMITTEE ROOM,
AUSTIN, April 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Printing, to whom was referred House bill No. 273, entitled "An act making an appropriation for printing five hundred copies of the rules reported for the Supreme and District Courts, and five hundred copies of the circular letter of the Clerk of the Supreme Court, after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report read. On motion of Senator Gaines, the rules were sus-

pending to consider the report, and on further motion the report was adopted.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, April 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 357, entitled "An act to incorporate the Austin Social Club," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 361, entitled "An act to incorporate the Bryan Horticultural Society," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

Reports read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, April 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred a petition of citizens of Parker county asking to be incorporated in the name and style of the "Parker County Agricultural and Mechanical Association," after careful consideration, instruct me to report the same back and recommend the passage of the accompanying bill.

Respectfully,

S. W. FORD,
Chairman.

Report and bill read first time.

On motion of Senator Shannon, the rules were suspended to consider the report and bill (Senate bill No. 371) "An act to incorporate the Parker County Agricultural and Mechanical Association."

Senate bill No. 371 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Gaines, the rules were further suspended and Senate bill No. 371 read third time and passed.

COMMITTEE ROOM,
AUSTIN, April 19, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 322, entitled "An act to incorporate the Austin Water Power Company," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD,
Chairman.

Senate bill No. 322—Amend section one, line six, by adding after the name of "Joseph Ellison" the names of "Eugene Bremond, John A. Morris, John N. Boffinger, R. W. Thomas, W. C. Philips;" also, line twelve by striking out the word "perpetual" and inserting after the word "for" the words "ninety-nine years."

COMMITTEE ROOM,
AUSTIN, April 19, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 314, entitled "An act incorporating the Austin Water Company," after careful consideration, instruct me to report the same back, and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD, Chairman.

Senate bill No. 314—Amend section one, line four, by adding after the word "Wilder," the names of "Eugene Bremond, John N. Boffinger, John A. Morris, R. W. Thomas and W. C. Philips."

Section nine, line one, add after the word "passage" the words "for ninety-nine years."

COMMITTEE ROOM,
AUSTIN, April 19, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Stock and Stock Raising, to whom was referred House bill No. 83, entitled "An act to prevent the intro-

duction and spreading of the scab among sheep," instruct me to report the same back, and recommend its consideration with accompanying amendments, to the Senate.

Respectfully,

S. W. FORD,
Chairman.

House bill No. 83—Amendments of Committee on Stock and Stock Raising: Amend section one, line six, by inserting after the word "sheriffs" the word "constables."

Amend section three, line three, by inserting after the word "sheriff" the word "constable;" also, section three, line six, by striking out the words "in an inclosure" and inserting the words "on the land of the owner of said;" also, section three, line ten, by striking out all of said section after the word "act."

Amend section four, line three, by inserting after the word "sheriff" the word "constable;" also, section four, line four, by striking out all of said section after the word "examined" down to and including the word "scab," in line fourteen, and inserting the words "and if, upon said examination, said sheep are found to be diseased or infected with scab, it shall be the duty of the sheriff, constable or magistrate of the precinct in which said sheep may be found, to proceed according to the provisions of section two of this act," and add to same section, the following: "the same proceedings shall be had as are provided for in section two of this act."

Amend by striking out section five, entirely.

Amend section six, line eight, by striking out the word "extra;" also, section six, line eight, by striking out all of said section after the word "act."

Reports read and laid over under the rules.

Reports of Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, April 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bills No. 249, "An act for the relief of John Hendricks;" No. 264, "An act to incorporate the Texas Emigration Land Company;" No. 321, "An act to authorize the County Court of Dallas county to levy and collect a special tax for the building of a court house;" No. 368, "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes;" and No. 338, "An act to incorporate the Little

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Brazos and Robertson County Bridge Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received, and the Secretary carried to the House for concurrence Senate bills Nos. 249, 264, 321, 368 and 338.

COMMITTEE ROOM,
AUSTIN, April 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bills No. 232, "An act to incorporate the Dallas and Kaufman East Fork Bridge Company;" No. 262, "An act to establish a bridge across the San Gabriel river at or near the Compton crossing, below the mouth of Brushy creek;" No. 283, "An act to incorporate the Texas Sleeping Car Company;" and No. 308, "An act to organize the Bureau of Immigration," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received, and the Secretary carried to the House for concurrence Senate bills Nos. 232, 262, 283 and 308.

BILLS AND RESOLUTIONS.

By Senator Douglass: a bill (Senate bill No. 372) to be entitled "An act to authorize certain persons therein named to erect a toll bridge across Harris's creek in Smith county." Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senator Saylor: a bill (Senate bill No. 373) to be entitled "An act to aid and encourage the development of the mineral resources of the State of Texas." Read first time and referred to Committee on Public Lands.

On motion of Senator Pettit, the rules were suspended to take from file House bill No. 215, "An act to provide for the payment of the public debt of the State of Texas," and on further motion House bill No. 215 was made the special order for Tuesday next at 11 A. M.

On motion of Senator Pickett, Senator Mills was excused for the day on account of sickness.

By leave, Senator Fountain submitted the following report of Committee on Judiciary:

COMMITTEE ROOM,
AUSTIN, April 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 186, entitled "An act amendatory and explanatory of 'an act to regulate the disposal of the public lands of the State of Texas,' approved August 12, 1870," after careful consideration, instruct me to report the same back, and recommend the passage of the accompanying bill as a substitute therefor.

Respectfully,

A. J. FOUNTAIN,
Chairman.

Report and substitute read and laid over under the rules.

Senate substitute House bill No. 186, "An act to amend the first, third and fifth sections of an act entitled 'an act to regulate the disposal of the public lands,' approved August 12, 1870."

On motion of Senator Gaines, the rules were suspended, to take from file Senate bill No. 221, an act to be entitled "An act to enforce compliance by public carriers with the provisions of section thirty-one of the Constitution." Read second time.

Senator Dohoney moved a call of the Senate. Call sustained.

Absent—Senators Pickett, Pyle and Broughton.

Absent—excused—Senators Baker, Bowers, Cole, Flanagan and Mills.

On motion of Senator Gaines, the call was suspended.

On motion of Senator Gaines, Senate bill No. 221 was made special order for Monday next, at 12 o'clock M.

On motion of Senator Evans, the rules were suspended, to take from file Senate bill No. 259, "An act to incorporate the Lebanon High School, in Collin county, Texas." Read second time, and on motion of Senator Gaines, the following amendments reported by the Committee on Education were adopted:

Amendments: After word "named," second line, section two, insert word "persons;" also, same section, line twelve, strike out word "moneys," and after "value," in the same line, insert "also all moneys;" also, line twelve, section three, strike out "or any," also, in line twenty-two, same section, after word "any" insert the word "property."

Senate bill No. 259, ordered engrossed and passed to a third reading.

On motion of Senator Evans, the rules were further suspended and Senate bill No. 259, read third time and passed.

On motion of Senator Pickett, the rules were suspended to take

from file House bill No. 198, "An act appropriating money for furnishing the Comptroller's building." Read second time.

On motion of Senator Picket the following amendment was adopted: "Section 2. This act shall take effect from and after its passage."

On motion of Senator Pickett, the rules were further suspended and House bill No. 198, read third time and passed by the following vote, and returned to the House:

Yeas—Mr. President, Bell, Dohoney, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pickett, Pridgen, Rawson, Ruby, Saylor, Shannon, Tendick—19.

Nays—Broughton, Douglass, Latimer, Pyle—4.

[Senator Pickett called to the chair.]

On motion of Senator Fountain, the rules were suspended to take from file House bill No. 264, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State of Texas,' approved August 10, 1870." Read second time and passed to a third reading.

On motion of Senator Fountain, the rules were further suspended and House bill No. 264 read third time and passed and returned to the House.

On motion of Senator Shannon, the rules were suspended to take from file Senate bill No. 233, "An act to incorporate the Stock Traders' Bank." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Bell, the rules were further suspended and Senate bill No. 233 read third time and passed.

On motion of Senator Ford, the rules were suspended to take from file House bill No. 269, "An act for the protection of poor persons in cases of appeal in civil suits." Read second time and passed to a third reading.

By leave, Senator Fountain submitted the following report of select committee on adjournment:

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Special Committee, appointed to confer with a like committee from the House, for the purpose of considering the time to adjourn, respectfully report that they have agreed as embodied in the following resolution:

Resolved by the Senate (the House concurring), That on Monday, the fifteenth day of May, A. D. 1871, at 12 M., the President of the Senate and the Speaker of the House shall declare

a recess of their respective bodies until Tuesday, the 10th day of October, 1871.

A. J. FOUNTAIN, Chairman.

HENRY RAWSON,

On part of Senate.

C. D. MORRIS, Chairman.

W. J. LOCKE,

On part of the House.

Report read and laid over under the rules.

Under direction, the Secretary returned to the House,

House bill No 263, "An act to organize and incorporate the Galveston, Jefferson and St. Louis Railroad Company."

House bill No. 25, "An act to incorporate a gymnastic association at New Braunfels under the name and style of Turnverein New Braunfels," with amendments.

Also, for signature of the Speaker, the following enrolled Senate bills:

Senate bill No. 22, "An act to incorporate the Johnson's Point Male and Female Seminary."

Senate bill No. 57, "An act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas when one or more of the judges may be disqualified by having presided at the trial of such case in the district or lower court or from any other cause.

Senate bill No. 97, "An act authorizing Thos. C. Reedy to erect a toll bridge over the Cow Leach Fork of Sabine river, in Hunt county, Texas."

Senate bill No. 130, "An act to prohibit the sale of intoxicating or spirituous liquors in the immediate vicinity of the town of Circleville, Williamson county, Texas."

Senate bill No. 163, "An act to incorporate the Central Bank."

Senate bill No. 216, "An act to incorporate the town of Socorro, in El Paso county."

Senate bill No. 228, "An act for the relief of Thomas G. Davidson."

Enrolled bills signed by the Speaker, returned and signed by the President of the Senate.

Message from the House, transmitting for concurrence the following House bills:

House bill No. 39, "An act to prohibit the sale or distribution of spirituous, vinous or other intoxicating liquors within certain limits of the Grapevine Masonic Institute, in the town of Grapevine, Tarrant county, Texas."

House bill No. 88, "An act to provide for the completion and control of the Supreme Court buildings, library, etc."

House bill No. 145, "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within three miles of Baylor University, in Washington county."

House bill No. 166, "An act to incorporate the Germania at Fayetteville."

House bill No. 225, "An act to prohibit the sale of intoxicating liquors within certain limits of the High School at Edom, Van Zandt county, Texas."

House bill No. 301, "An act to incorporate Rockwall Institute in the county of Kaufman."

House bill No. 476, "An act to incorporate the Galveston and Colorado Railway Company."

House bill No. 357, "An act making appropriation for the support of the State government for deficiencies for the fiscal year ending August 31, 1871, and for the fiscal year beginning September 1, 1871, and ending August 31, 1872."

House bill No. 597, "An act to incorporate the Prairie Valley Academy, Hill county, Texas."

House bill No. 598, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Mansfield College, Tarrant county."

Also, for signature of the President the following Enrolled House Bills:

House bill No. 74, "An act to incorporate the Richland Bridge Company."

House bill No. 82, "An act for the relief of T. F. Steudebach, sheriff of Kendall county, Texas."

House bill No. 153, "An act to provide for the obtaining and transcribing of the several acts or charters founding Reynosa, Camargo, Meir and Guerrero, in the Republic of Mexico, and of Laredo, in Texas, and making an appropriation for that purpose."

House bill No. 277, "An act to amend an act entitled 'an act to incorporate the Agricultural, Stock Raising and Industrial Association of Western Texas,' approved July 8, 1870."

Enrolled bills signed by the President and returned to the House.

11 o'clock, A. M.

The hour having arrived for the consideration of the special order, House bill No. 4, "An act to encourage stock raising, and for the protection of the stock raisers," it was read second time.

Senator Fountain moved that the following amendment, reported by the Committee on Stock and Stock Raising, be adopted: Amend section four, line fourteen, by inserting after the word "brand" the words "or marks," and line seventeen by inserting after the word "county" the words "unless identified."

Senator Pridgen offered the following substitute for the amendment: strike out all of section four after the word "court," in line sixteen. Substitute lost.

The question recurring on the amendment reported by the committee, it was adopted.

On motion of Senator Fountain, the following amendments reported by the Committee on Stock and Stock Raising were adopted:

Amend section five, line fifteen, by inserting after the word "freshly" the words "marked and;" also, line sixteen, by inserting after the word "brand" the words "and mark;" also, line twenty-one, by inserting before the word "brand" the words "mark or;" also, line twenty-four, by striking out the words "to his satisfaction" and inserting the words "by proof or the exhibiting of a bill of sale properly witnessed;" also, line twenty-five, by inserting after the words "sequester all" the words "unmarked or;" also, line twenty-seven, by inserting after the word "freshly" the words "marked or;" also, lines thirty and thirty-one, by striking out the words "to the satisfaction of the inspector" and inserting the words "by proof, or the exhibiting of a bill of sale properly witnessed;" also, line thirty-two, by inserting after the word "the" the words "mark and;" also, line thirty-six, by inserting after the word "bidder" the words "after having given ten days notice; *provided*, no owner is found;" also, same line, by striking out the words "one-half" and inserting the word "and;" also, lines thirty-seven and thirty-eight, by striking out the words "to go to the inspector, and the other half."

Amend section nine, line six, by striking out the word "section" and inserting the word "act," also, line twenty-eight, by striking out the words "to the common" and inserting the words "in the;" also, line thirty-five, by striking out the word "common;" also, by adding the following to the section: "*provided*, that when the owner of said property shall testify that the party accused, under this act, did have his consent to sell the same, the court may then dismiss the suit."

Special message from the Governor, by his private Secretary, as follows:

GOVERNOR'S OFFICE,
AUSTIN, April 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: I return to your House "An act to authorize J. F. Smith and J. Easley to erect a toll bridge over the mouth of Guthrie creek and the swamp channel of Grace's creek, in the county of Upshur and State of Texas."

This charter is, I understand from the Senator representing the people of that district, objected to by the people of the county and whose business is affected thereby, because of its oppressive features. The creek which it is proposed to bridge, is quite narrow, but is so deep that it cannot usually be forded, yet this charter proposes to forbid any other bridge within a distance of three miles above and below, even though made free of charge. It also proposes to give these corporators excessive tolls, as, for instance, a six horse wagon, seventy-five cents, which would be a heavy toll on a bridge over any of our broadest rivers. When it is considered what a large amount of travel and freight must cross this bridge to and from the town of Longview, the extravagant nature of the privileges granted these corporators can be appreciated.

Very respectfully,

EDMUND J. DAVIS,

Governor.

On motion of Senator Fountain, the consideration of the matter pending was postponed in order to consider the message. Message read.

The question being, "Shall the Senate, upon reconsideration, agree to pass the bill?" yeas and nays taken and the Senate refused to pass the bill by the following vote:

Yeas—Pyle, Rawson—2.

Nays—Mr. President, Bell, Broughton, Dohoney, Douglass, Evans, Ford, Fountain, Hall, Hertzberg, Hillebrand, Latimer, Parsons, Pickett, Pridgen, Ruby, Shannon, Tendick—18.

Senator Hall moved that the Senate adjourn to 10 o'clock A. M. Monday.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Mr. President, Broughton, Douglass, Evans, Ford, Hall, Hertzberg, Latimer, Parsons, Pickett, Pridgen, Rawson, Shannon, Tendick—14.

Nays—Bell, Dohoney, Fountain, Hillebrand, Pettit, Pyle, Ruby—7.

So the Senate, at 12 M., adjourned to 10 A. M., Monday, April 24.
